

**BEFORE THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-327-C**

IN RE:

Continued Availability of Unbundled High)
Capacity Loops at Certain Locations and)
Unbundled High Capacity Transport on Certain)
Routes Pursuant to the Federal Communication)
Commission's Triennial Review Order)
_____)

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S
OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S
REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

AT&T Communications of the Southern States, LLC pursuant to the Order Granting Motion for Initial Procedural Order dated December 17, 2003, (hereinafter "*Procedural Order*"), Rules 26 and 34 of the South Carolina Rules of Civil Procedure, and Rules 103-851 and 103-854 of the Rules and Regulations of the Public Service Commission of South Carolina (hereinafter "Commission"), objects generally to BellSouth Telecommunications, Inc.'s (hereinafter "BellSouth") Requests for Admissions, Interrogatories and Requests for Production of Documents, served on January 29, 2004, as described below.

OVERVIEW

AT&T files these objections for purposes of complying with the ten (10) day requirement contained in the *Procedural Order*. These objections are preliminary in nature. Should additional grounds for objection be discovered as AT&T prepares its responses to any discovery, or at any time prior to hearing, AT&T reserves the right to supplement, revise, and/or modify these objections.

GENERAL OBJECTIONS

AT&T makes the following general objections to the Requests for Admission, Interrogatories and Request for Production of Documents that will be incorporated by reference into AT&T's specific responses when AT&T responds to the Requests for Admission, Interrogatories and Request for Production of Documents.

1. Definitions

A. AT&T objects to the lengthy "Definitions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that such terms are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, AT&T objects to the "Definitions" section to the extent that it utilizes terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of these Requests for Admission, Interrogatories and Request for Production of Documents.

B. AT&T objects to the "Definitions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the definitions operate to include the discovery of information protected by attorney/client privilege, the work product doctrine or any other applicable privilege.

C. AT&T objects to the "Definitions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the definitions operate to include the discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 26(b)(3) without the requisite showing that BellSouth has substantial need of the materials and/or information in the preparation of its case and that BellSouth is unable without undue hardship to obtain the substantial equivalent of the information and/or materials by other means.

D. AT&T objects to the "Definitions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the definitions operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Order*, the Rules and Regulations of the Public Service Commission of South Carolina, and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

E. AT&T objects to the "Definitions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the definitions operate to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's (hereinafter "FCC") Triennial Review Order and other applicable South Carolina law.

F. AT&T objects to the "Definitions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the definitions operate to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order pursuant to South Carolina law.

G. AT&T objects to the definitions of "you," "your," "AT&T," and "person" to the extent that the definitions include natural persons or entities which are not parties to this proceeding, not subject to the jurisdiction of the Commission, and not subject to the applicable discovery rules. Subject to the foregoing, and without waiving any objection, general or specific, unless otherwise ordered, responses will be provided only on behalf of AT&T Communications of the Southern States, LLC, which is a certificated carrier authorized to provide regulated communications services in South Carolina and which is a party to this proceeding.

2. Instructions

A. AT&T objects to the "General Instructions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the "instructions" operate to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Order*, the Rules and Regulations of the Public Service Commission of South Carolina, and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

B. AT&T objects to the "General Instructions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the "instructions" operate to seek disclosure of the mental impressions, conclusions, opinions, or legal theories of any attorney or other representative of AT&T concerning the subject of litigation without the requisite showing under Rule 26(b)(3) of the South Carolina Rules of Civil Procedure.

C. AT&T objects to the "General Instructions" section of BellSouth's Request for Admissions, Interrogatories and Requests for Production of Documents to AT&T to the extent that the "instructions" operate to seek disclosure of "all" information in AT&T's "possession,

custody or control” and to the extent that said “instruction” requires AT&T to provide information or materials beyond its present knowledge, recollection or possession. With respect thereto, AT&T has employees located in many different locations in South Carolina and other states. In the course of conducting business on a nationwide basis, AT&T creates numerous documents that are not subject to either the Commission or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as employees change jobs or as business objectives change. Therefore, it is impossible for AT&T to affirm that every responsive document in existence has been provided in response to all Requests for Admission, Interrogatories and Request for Production of Documents. Instead, where provided, AT&T’s responses will provide all information obtained by AT&T after a reasonable and diligent search conducted in connection with those Requests for Admission, Interrogatories and Request for Production of Documents. Such search will include only a review of those files that are reasonably expected to contain the requested information. To the extent that the “instructions” require more, AT&T objects on the grounds that compliance would be unduly burdensome, expensive, oppressive, or excessively time consuming to provide such responsive information.

3. General Objections to Requests for Admission, Interrogatories and Request for Production of Documents

A. AT&T objects to BellSouth’s Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents are overly broad, unduly burdensome, irrelevant, oppressive and not reasonably calculated to lead to the discovery of admissible evidence pursuant to the *Procedural Order*, the Rules and Regulations of the Public Service Commission of South Carolina, and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

B. AT&T objects to BellSouth’s Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents purport to seek discovery of information protected by attorney/client privilege, the work product doctrine or any other applicable privilege.

C. AT&T objects to BellSouth’s Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents purport to seek discovery of information and/or materials containing the mental impressions, conclusions, opinions or legal theories of any attorney or other representative of AT&T concerning the

subject of the proceeding and prepared and developed in anticipation of litigation pursuant to Rule 26(b)(3) without the requisite showing that BellSouth has substantial need of the materials and/or information in the preparation of its case and that BellSouth is unable without undue hardship to obtain the substantial equivalent of the information and/or materials by other means.

D. AT&T objects to BellSouth's Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents purport to impose discovery obligations on AT&T inconsistent with, or beyond the scope of, what is permitted under the *Procedural Order*, the Rules and Regulations of the Public Service Commission of South Carolina, and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

E. AT&T objects to BellSouth's Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the FCC's Triennial Review Order and other applicable South Carolina law.

F. AT&T objects to BellSouth's Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents purport to seek disclosure of information that is proprietary confidential information or a "trade secret" without the issuance of an appropriate Protective Order pursuant to South Carolina law.

G. AT&T objects to all Requests for Admission, Interrogatories and Request for Production of Documents which require the disclosure of information which already is in the public domain or otherwise on record with the Commission or the FCC.

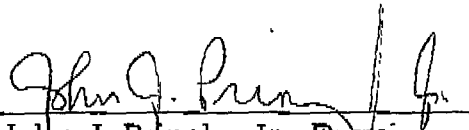
H. AT&T objects to BellSouth's Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T to the extent that the Requests for Admission, Interrogatories and Request for Production of Documents seek information and discovery of facts known and opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to the *Procedural Order*, the Rules and Regulations of the Public Service Commission of South Carolina, and Rules 26 and 34 of the South Carolina Rules of Civil Procedure.

I. Pursuant to the *Procedural Order*, the Triennial Review Order,

and applicable South Carolina law, to the extent that BellSouth's Requests for Admissions, Interrogatories and Request for Production of Documents to AT&T request specific financial, business or proprietary information regarding AT&T's economic business model, AT&T objects to providing or producing any such information on the grounds that those Requests for Admission, Interrogatories and Request for Production of Documents presume that the market entry analysis is contingent upon AT&T's economic business model instead of the hypothetical business model contemplated by the Triennial Review Order.

Respectfully submitted, this the 5th day of February, 2004.

ELLIS, LAWHORNE & SIMS, P.A.


A handwritten signature in dark ink, appearing to read "John J. Pringle, Jr.", is written over a horizontal line.

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Attorney for AT&T Communications of
the Southern States, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served to all parties of record by electronic mail this 5th day of February, 2004.



Margaret A. Plasman